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16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA  
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UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:94-CR-00320-JAM

*Jas*  
**STIPULATION AND [PROPOSED]  
ORDER CONTINUING ADMIT OR DENY  
HEARING**

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16 IT IS HEREBY STIPULATED by and between assistant U.S. Attorney Rosanne Rust,  
17 counsel for the plaintiff United States of America, and John E. Virga, counsel for Defendant  
18 Armando Tabarez, that the Admit or Deny Hearing currently scheduled for June 21, 2016, at 9:15  
19 a.m., be continued until August 2, 2016, at 9:15 a.m.

20 Mr. Tabarez has a pending case in Sacramento Superior Court, case number 15F05621,  
21 that involves the same allegations that gave rise to his revocation of supervised release in this  
22 case. The resolution of the state case has been prolonged because of issues with physically  
23 producing Mr. Tabarez in court. To date, he has been present for one of the nine hearings on his  
24 state case. Despite this issue, defense counsel has completed investigations and diligently worked  
25 toward resolution of the case. The parties believe that resolving the state case first would greatly  
26 expedite a resolution of the federal case.

27 In May, defense counsel made a settlement offer to the Sacramento County Deputy  
28 District Attorney handling the prosecution. However, the issues with producing Mr. Tabarez in

court interfered with reaching an agreement.

On June 17, 2016, the state prosecutor agreed to work with defense counsel to resolve Mr. Tabarez's state case through a written plea agreement. By resolving the state case through plea agreement, the resolution of both cases will not be hindered by difficulties of producing Mr. Tabarez in court.

Mr. Tabarez is next scheduled to appear in state court on July 25, 2016, at 1:30 p.m. in Department 63. Defense counsel believes that it will be able to enter into a plea agreement before that appearance and, in turn, use the agreement as the basis for resolving the federal case. Defense counsel asks for this continuance in an effort to coordinate resolutions in both cases.

Rosanne Rust agrees to this request and has authorized John E. Virga to sign this stipulation on her behalf. Further, United States Probation Officer Garey R. White also agrees with this request.

DATED: June 17, 2016

By: /s/ John E. Virga  
JOHN E. VIRGA  
Attorney for Defendant

DATED: June 17, 2016

By: /s/ John E. Virga for Rosanne Rust  
ROSANNE RUST  
Assistant United States Attorney

## **ORDER**

Based upon the representations by counsel and the stipulation of the parties, IT IS  
HEREBY ORDERED that:

4 The admit or deny hearing date of June 21, 2016, at 9:15 a.m. is vacated, and continued  
5 until August 2, 2016, at 9:15 a.m.

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DATED: 6/17, 2016.

  
HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE

HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE